

AN ORDINANCE

BY: COUNCILMEMBER NATALYN ARCHIBONG

**AN ORDINANCE REQUIRING CITY OF ATLANTA
DEPARTMENT OF WATERSHED MANAGEMENT
TO REPORT TO CITY COUNCIL DETAILED
INFORMATION ON EFFORTS TO OBTAIN
FEDERAL GRANTS; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council, by a 15-0 vote, adopted 03-O-2212 on January 5, 2004 and the Mayor approved 03-O-2212 on January 9, 2004 amending Chapter 154 Article III, Division 3, Section 154-111 and 154-112 (Water Rates and Charges) and Chapter 154 Article V, Division 3, Section 154-276 and 154-277 (Sewer Rates and Charges) to increase the water and sewer rates, among other things; and

WHEREAS, 03-O-2212 requires the Mayor or her designee to provide the City Council with reports on "efforts and initiatives undertaken by the City to reduce the burden on ratepayers;" and

WHEREAS, the City of Atlanta has been identified to receive a total of \$6,248,700 from the Federal government through seven Congressional appropriations since 2000 to assist in the funding of specific CSO projects, the Nancy Creek Sanitary Sewer Overflow (SSO) Project, and undesignated assistance for the overall CSO Abatement Program, the details of which are:

Fiscal Year	Amount	Purpose
2000	\$950,200	For analysis and development of necessary combined system overflow facilities.
2003	\$1,734,700	For the City of Atlanta Nancy Creek project for water and wastewater infrastructure improvements.
2004	\$675,000	West Area combined sewer project.
2004	\$964,300	For the City of Atlanta Nancy Creek project for water and wastewater infrastructure improvements.
2005	\$962,200	McDaniel Basin CSO Separation Project.
2005	\$721,700	Wastewater infrastructure improvements.
2005	\$240,600	For the West Area combined sewer project;

and

WHEREAS, it appears that none of the Federal funds identified above have been received by the City to date;

WHEREAS, the City's Department of Watershed Management has proposed a series of rate increases in the Water and Sewer Rates, provided for in proposed ordinance 08-O-0744, providing for cumulative rate increases in excess of 80% by 2011; and

WHEREAS, before acting on the requested rate increases the City Council seeks to understand more fully the status of efforts by the Department of Watershed Management to obtain funding that has been identified for the City and is available upon satisfaction of the requirements for obtaining such funds;

THE COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS

SECTION 1: That the Department of Watershed Management shall provide the City Council, for each of the appropriations listed above, a copy of the application filed with the EPA Region 4 (together with any amendments or supplements), the date each application was filed, a copy of the plans and specifications submitted to the EPA Region 4 (together with any amendments or supplements), the date each set of plans and specifications was submitted to EPA, and the Department's plans, if any, to satisfy any remaining requirements for the City to obtain those Federal funds.

SECTION 2: That the Department of Watershed Management is hereby directed to take any steps necessary to obtain the appropriations listed above, including submission of any applications, plans and specifications and payment requests not already submitted to EPA Region 4, all such submissions to be made no later than _____.

[ALTERNATIVE A] SECTION 3: That the Department of Watershed Management shall submit the documents and information specified in Section 1 to City Council no later than _____, 2008.

[ALTERNATIVE B] SECTION 3: That the City Council shall not approve any Water and Sewer Rate increases until the Department of Watershed Management has delivered to City Council the documents and information specified in Section 1.

SECTION 4: That the Department of Watershed Management shall provide a letter to City Utilities Committee and Finance Executive Committee after all material has been submitted to EPA Region 4.

SECTION 5: Upon submission of each payment request to EPA Region 4, the Department of Watershed Management shall provide a letter to City Utilities Committee and Finance Executive Committee which confirms that it has each such payment request.

SECTION 6: That all ordinances or parts in conflict herewith, be and the same are hereby repealed.

ENVIRONMENTAL ASSESSMENT
Combined Sewer Overflow Abatement Program
City of Atlanta Watershed Department
Atlanta, Georgia

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A. Proposed Project and Funding Status

Proposed Project: In 1996, a lawsuit was filed against the City of Atlanta by the Upper Chattahoochee Riverkeeper and a downstream plaintiff. This lawsuit, later joined by the U.S. Environmental Protection Agency (EPA) and the Georgia Environmental Protection Division (EPD), reached settlement in 1998. The U.S. Department of Justice found that Atlanta's combined sewer overflows (CSOs) were violating water quality standards. After extensive negotiations and reviews by all the parties involved in this lawsuit, a Consent Decree was issued requiring the City to develop and implement a long-term CSO control plan to remediate the overflows from its combined sewer system. The required improvements to the combined sewer system are to be in place by November 7, 2007, and are part of an expanded Clean Water Atlanta (CWA) initiative expected to cost \$3.2 billion by 2014. The City of Atlanta has been identified to receive several Congressional earmarks placed in EPA's appropriations bills in the last several years to assist in the funding of both specific CSO projects and un-designated assistance for the overall CSO Abatement Program. Additional funding is provided for the Nancy Creek Sanitary Sewer Overflow (SSO) Project in two separate Congressional line items.

EPA Funding Status: EPA funding to date will be provided by seven distinct Congressional earmarks. They are as follows:

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